



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

## MINUTES NEWINGTON TOWN COUNCIL November 24<sup>th</sup> 2009

### I. PLEDGE OF ALLEGIANCE

### II. ROLL CALL

Councilors Present	
Councilor Christopher Banach	X
Councilor Tony Boni	X
Councilor Meg Casasanta	X
Councilor Myra Cohen	X
Councilor Maureen H. Klett	X
Councilor Mike Lenares	X
Councilor Scott P. McBride	X
Councilor Kristine Nasinnyk	X
Mayor Jeff Wright	X

Staff Present	
Town Manager - John Salomone	X
Executive Assistant - Jaime Trevethan	X
Council Clerk - Scott Coleman	X
Town Planner - Ed Meehan	X

### III. PUBLIC PARTICIPATION – IN GENERAL

**Jeff Zelek**                      Resident                      55 Welles Drive North                      Newington

- Wished to bring to the attention of the Council comments which were made at the TPZ meeting of November 9<sup>th</sup> regarding the 2020 plan.
  - Councilor Klett brought to the attention of the TPZ the fact that a letter from the Conservation Commission had not been distributed to all members of the TPZ.
  - Councilor Cohen pointed out that the 2020 Plan had been presented to the Council, but that it had not been made clear whether the Council was required to respond and provide input to the plan.
- Stated that he believed that there had been a breakdown of communication between the Council and the plan developers. He wished to insure that before the plan was approved, a complete audit was conducted and that all department heads had reviewed and provided their input. He requested that public safety and the Board of Ed review the plan.
- Asked that any Open Space Commission created be permanent. He pointed out that this is the practice in other communities.

**Rose Lyons**                      Resident                      46 Elton Drive                      Newington

- Asked that the Council seriously consider the formation of an Open Space commission
- Asked for clarification of the approval process for the 2020 Plan of Development.

Phone: (860) 665-8510 Fax: (860) 665-8507  
TownManager@newingtonct.gov  
www.newingtonct.gov

- Maddie Kenny**      Resident      53 Crestview Drive      Newington
- Advocated for leaving Cedar Mountain as open space with nature trails and a permanent commission for oversight and maintenance
- Sandy Lallier**      Resident      27 Elton Drive      Newington
- Hoped that all sides get to weigh in on the decision regarding Cedar mountain and that the process is not rushed.
  - Expressed surprise that the Town did not already have an Open Space commission and advocated for its formation
- Marilyn Miller**      Resident      2 Buck St.      Newington
- Asked the Council to verify that all statutes were followed correctly regarding the 2020 Plan
  - Expressed concern about the impact of a Cedar Mountain development on her property.
  - Asked the town to consider acquiring the property and to seek our financing
  - Stated that she did not believe the value set on the property by the developer
- Stanley Sobieski**      Resident      26 Deepwood Drive      Newington
- Urged the Council to consider purchase of the Cedar Mountain property whether under eminent domain or through other means
  - Preferred Cedar Mountain to remain as open space
- Stanley Cohen**      Developer      1 North Point Landing      Avon
- Introduced the three individuals who own the Cedar Mountain property
  - Corrected the other speakers who had stated that Cedar Mountain property is open space, stating that it is zoned commercial which permits a developer to erect a multitude of structures on the property which could include a five story office building, wireless tower, school, hospital or seniors housing
  - Explained that he has a contract with Toll Brothers (subject to obtaining appropriate zoning)
  - Stated that if the Town were to pass a moratorium on development, that it could be considered a “taking of property without due process” which could expose the Town to legal action
  - Explained that if the Town wished to purchase the property, that Toll’s initial costs, as well as the value of the property would have to be considered.
  - Described Toll’s Brothers’ plan for the property which includes high end homes, along with a clubhouse as well as the donation to the Town of seven acres (including the ridge line)
  - Elaborated on the value of the property, stating that if the town wished to purchase the property, that the cost would have to at least cover the sale price plus the \$3mil (value as a charitable deduction) for the 7 acres which it had offered to donate to the Town
  - Asked to be treated the way the town would wish to be treated ... that they be paid for the property, rather than being asked to give it away.

#### **IV. CONSIDERATION OF OLD BUSINESS**

##### **A. Council Rules of Procedure Subcommittee (Tabled 11/10/09)**

**Motion to table:**

**MOTION BY:**      **Councilor Banach**

**SECONDED BY:**      **Deputy Mayor Lenares**

**VOTE: Motion passes 9 – 0; Unanimous**

##### **B. Town Planner Presentation on Land Use and Ownership at Cedar Mountain**

Town Planner Meehan’s informational PowerPoint presentation, detailing the background of the Cedar Mountain area and relevant issues. (Presentation can be found on the Town’s website: [www.newingtonct.gov](http://www.newingtonct.gov)). It includes geologic information and covers state statutes relative to ridge-line protection.

Council Questions & Comments:

**Mayor Wright** inquired how many years remaining for the mining of Balf quarry resources. Planner Meehan responded twenty to thirty years.

**Councilor Nasinnyk** asked that the presentation be posted to the Town's website. She was told that it was too large a file to be emailed, but that it would be posted to the website. Planner Meehan stated that the half-acre area was zoned R20.

**Councilor Klett** questioned Planner Meehan concerning the valuation of the entire 28 acres contained in the 2005 Cedar Mount Open Space Preserve grant application and how that valuation could have risen so significantly from the original \$1.2 million price paid by Marcap. **Town Planner Meehan** responded that the date of the grant was actually 2007 and it covered the entire 28 acres not just the 7 mentioned by Mr. Cohen. The Councilor was asking Mr. Meehan to reconcile the \$3 million valuation for the partial 7 acres, vs. the \$1.2 million paid for the entire 28 acres. Town Planner Meehan stated that the \$3 million mentioned by Mr. Cohen was a valuation of the 7 acres to be donated to the town based on an IRS tax benefit of \$3 million (as per Mr. Cohen), and had nothing to do with the Town's appraisal. The grant would have to be resubmitted and reappraised as the original grant awarded of \$500,000 was not sufficient to make the purchase.

**Councilor Klett** then read correspondence from the Conservation Commission which mentioned four concerns about development on the property: 1) impact to wetlands on the site, 2) impact of significant quarry operations requiring a change to an Industrial Zone, 3) outdated impact analysis flowing from the 1995-2005 Plan of Development, 4) change to an R12 district would result in an increased density having significant negative impact on the wetlands.

**Councilor Cohen** summed up the situation stating that irregardless of the zoning, what the Town wanted was to acquire the property, and inquired if any effort had been made to identify other sources of funds. **Town Planner Meehan** stated not to his knowledge. He further stated that, without acquisition of the property, the Town was limited and could only regulate certain aspects of development.

**Councilor Banach** inquired about the status of the property behind the Marcap property on which had been planned to build a hotel, bank and a gas station. The **Town Planner** responded that the developer had received land use approvals from TPZ and Conservation Commissions, as well as a state Traffic Commission certificate. The developer had lost the tenant for the planned hotel, and had requested of TPZ a change in the order of building out the site, wishing to move the gas station and some retail ahead of the hotel construction. TPZ OK'd the change but placed certain bonding, infrastructure, and paving conditions on the development. Town Planner Meehan stated that due to the economy, he believes the development is being delayed.

**Councilor Banach** asked about the status of Kaufman(?) properties by Stop & Shop. **Planner Meehan** responded that the development had been approved for a hotel, a bank and a small restaurant; the hotel (part of the Marriott chain) had pulled out. The Councilor questioned the value of the Marcap property considering the current value of the other commercial developments on hold.

**Councilor Casasanta** asked the Town Planner whether the current controversy over the Toll Brothers projects would have arisen, had not the developer requested a zoning change. **Mr. Meehan** agreed with the Councilor but stated that the both the Conservation Commission (wetland impact) as well as the DOT (traffic impact) would still possibly have become involved as the project progressed.

**Town Manager Salomone** stated that the public had had plenty of time to comment on the 2020 POD, but had provided little input or interest until the recent request by Toll Brothers for a zone change.

**Mayor Wright** inquired about the difference between recommendations made in the 2010 and 2020 POD's. He was under the impression that there were not major changes being recommended. The **Town Planner** responded that there were some changes based on changes in the character of the region, as well as some carry-forward strategies. **Mayor Wright** clarified his question, stating that most of the inquires, which he had received, concerned Cedar Mountain. Mr. Meehan responded stating that the Cedar Mountain development had been flying under the radar until Toll Brothers had submitted their application for a zone change; but that the concerns now shined the light on the plan. Now he stated that there was an opportunity to keep the public hearing open and address all the concerns.

**Town Manager Salomone** stated that most all town departments contributed to the POD during its preparation over the past few years.

**Mayor Wright** stated that while most all would like to maintain Cedar Mountain as open space, the "fiscal realities" are such that it is a significant and expensive resource. He further cautioned that the Town would have

to determine which are the most valuable assets, and in which to invest limited the funding and resources available.

**Councilor Cohen** suggested that the Council review the plan in its entirety, rather than just that related to Cedar Mountain.

**Councilor Klett** gave examples of some of the many changes in the POD, and spoke about the need to better inform the public about the POD and its impact. She expressed concern that a sufficient effort to inform the public had not been made, nor had enough public input been received. She was also concerned about the lack of input from the Council on the POD. She requested of Mr. Meehan documentation on who conducted the slope-line measurement. She went on to state that she felt that it was Marcap's problem alone that their property, as purchased, was zoned commercial. She did not feel that any responsibility rested with the town to make the zoning change.

**Councilor Banach** reaffirmed Councilor Klett's concern about informing the public on such important matters, and is looking for answers on how to better reach the public.

## **V. CONSIDERATION OF NEW BUSINESS**

### **A. Discussion: Sanitation/Recycling Collection Contracts**

**Motion to table until December 8th Council meeting:**

**MOTION BY:** Councilor Nasinnyk

**SECONDED BY:** Councilor Banach

**VOTE:** Motion passes 9 – 0; Unanimous

### **B. Town Council Proposed Meeting Schedule – 2010**

**Mayor Wright** asked for suggested changes or concerns. None were expressed.

### **C. Discussion: Create Open Space Committee**

**Councilor Banach** stated that he feels that there is a real need for this committee, owing to the fact that 92% of the Town is developed, leaving little remaining for open space preservation. **Councilor Nasinnyk** requested any information from the TPZ concerning a prior Open Space committee, which had operated under that body. **Town Manager Salomone** referred the Council to their packet concerning the past history and work of that committee. **Mayor Wright** asked Councilor Banach if he would be developing an Open Space Committee plan (including outline, goals, objectives, staffing, etc) for the next meeting. **Councilor Banach** confirmed that he would be. **Town Manager Salomone** inquired whether this would be required for the meeting of December 8<sup>th</sup>. **Councilor Banach** replied that he felt that this was an important assignment, and that it needed to be done right, rather than rushed. Meeting the December 8<sup>th</sup> date he felt was not critical.

### **D. Revised Job Description: Dial-A-Ride Transportation Driver (LT-7)**

**Town Manager Salomone** explained that when a position opens, that the normal course is to update the job description, if necessary. **Mayor Wright** requested comments or questions. There were none.

### **E. Consideration of Canceling the December 22, 2009 Town Council Meeting**

**Mayor Wright** explained that it had been the practice of prior Councils to cancel meetings scheduled for the week of or prior to Christmas. **Councilor Banach** expressed that it was his wish, and that of the majority, to keep the scheduled meeting. Both Mayor Wright and the Deputy Mayor expressed that it was their preference to cancel the meeting.

## VI. RESIGNATIONS/APPOINTMENTS

**Councilor Banach** did not have any Democratic appointments to present, and **Mayor Wright** stated that he would then hold his Council appointments, until the next meeting, in order to streamline the process.

## VII. TAX REFUNDS (2009 – 112)

**Councilor Nasinnyk** moved the following tax refunds:

### RESOLVED:

That property tax refunds in the amount of \$2,746.54 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.

**Councilor Cohen** seconded the resolution

Motion passed 9-0

## VIII. MINUTES OF PREVIOUS MEETINGS

### A. Regular Meeting, October 27, 2009

MOTION to approve the minutes, as submitted, made by Councilor Cohen

SECONDED by Councilor Nasinnyk

VOTE: Motion passes 6 - yes 3 - abstained (new Councilors)  
Abstaining: Councilors Casasanta, McBride, Klett

### B. Organizational Meeting, November 10, 2009

MOTION to approve the minutes, as submitted, made by Councilor Nasinnyk

SECONDED by Deputy Mayor Lenares

VOTE: Motion passes; 9 – 0, Unanimous

## IX. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

### C. Town Manager Report

No questions or comments were asked or made

## X. COUNCIL LIAISON/COMMITTEE REPORTS

**Library Board Meeting: Councilor Nasinnyk** mentioned concerns about the library walkway lighting. **Town Manager Salomone** agreed with her concern, and stated that it would be brought up during the budget session; he would look into what could be done in the near future.

## XI. PUBLIC PARTICIPATION – IN GENERAL

**Gail (inaudible)**

Resident

Isabel Terrace

Newington

- Commented that, based upon comments made at the prior evening's TPZ meeting, residents had concerns with the 2020 POD which extended beyond the Cedar Mountain issue,. These issues include traffic, high density housing, the proposed transit system, and open space.
- Expressed concern about the approximately 90 acres of Balf property zoned residential, and asked whether there were any safeguards concerning what could be constructed.

**Mark Pappa**                      Resident                      105 Back Lane                      Newington

- Mentioned that the Toll Brothers had attended a Conservation Committee meeting and had responded to public concerns relative to the Cedar Mountain property.
- Suggested that members of the public, who are interested in receiving information, could sign up on the town website to receive email notifications.

**Tom Bowen**                      Resident                      22 Woods Way                      Newington

- Suggested a town meeting on the 2020 POD
- Suggested using the 4 x 8' signs located in the center of town for posting of important meeting notifications
- Suggested extending the three minute time limit for smaller audiences
- Suggested developing a system to respond to public questions

**Rose Lyons**                      Resident                      46 Elton Drive                      Newington

- would like to see a better method for communicating with the public; possibly by post card of the new Board of Ed sign at the high school

## **XII. REMARKS BY COUNCILORS**

### **Councilor Klett**

- Would like for the Council to look for new ways to communicate with the public and for the Council Rules Committee to consider extending the three minute speaking time
- Suggested residents invest time in reviewing the 2020 POD
- Would like to better understand the Cedar Mountain property appraisals and believes the property should be preserved as open space

**Councilor Cohen** liked Mr. Bowen's idea about posting important meeting information on the 4 x 8" Town owned signs

### **Councilor Nasinnyk**

- thanked those who turned out for the TPZ meeting and was encouraged by the quality of the speakers
- urged residents to contact Senators Dodd and Lieberman in support of Senate Bill 2747 titled "The land and water conservation authorization and funding act". He explained that its use is for outdoor recreation resource (including parks, trails and wildlife) funds amounting to \$900 million.

**Councilor Casasanta** encouraged residents to utilize current local information resources such as NCTV to stay informed

### **Mayor Wright**

- Stated that the valuation which Toll Brothers had placed on the 28 acres of Cedar Mountain was \$5.5 million, or about \$196,000 per acre. Extrapolating this, Balf's 94 acres would be worth \$18.4 million, and the state's 72 acres, \$14 million, plus \$10 million for cleanup costs. He explained that the town could not afford to invest \$30-\$40 million for open space acquisition, and suggested the Town focus on investing in the "high value targets".

## **XIII. ADJOURNMENT**

**Councilor Lenares** moved to adjourn the meeting at 9:08 pm

**Councilor Banach** seconded the motion

**The motion passed 9-0**

Respectfully Submitted



Scott Coleman  
Clerk of the Council

December 1<sup>st</sup> 2009